REMARKS

Forty-three claims were originally filed in the present Application. Claims 1-43 currently stand rejected. Claims 1, 10, 21, and 30 are amended, and new claims 44 and 45 are added in the present Response. Reconsideration of the Application in view of the foregoing amendments and the following remarks is respectfully requested.

35 U.S.C. § 102

In paragraph 2 of the Office Action, the Examiner rejects claims 1, 2, 10, 11, 14, 21, 22, 30, 31, 34, and 41-43 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,769,127 to Bonomi et al. (hereafter Bonomi). The Applicants respectfully traverse these rejections for at least the following reasons.

"For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be *identically* shown in a single reference." *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). The Applicants submit that Bonomi fails to identically teach every element of the claims, and therefore does not anticipate the present invention.

Regarding the Examiner's rejection of independent claims 1 and 21, Applicants respond to the Examiner's §102 rejections as if applied to amended independent claims 1 and 21 which now recite *"said event content corresponding to a live event occurring at a specific event location,"* and *"said choice being received from said system user while being physically present at said live event,"*

(emphasis added) which are limitations that are not taught or suggested either by the cited references, or by the Examiner's citations thereto.

Bonomi generally teaches a system in which an "administrator" controls a media delivery system that "centrally manages and stores media content and also controls the delivery of media content to subscribers" (see column 2, lines 31-45). However, Bonomi nowhere discloses or discusses providing access to "event content corresponding to a live event occurring at a specific event location." Furthermore, Bonomi fails to teach a "system user utilizing said user device while being physically present at said live event," as claimed by Applicants. Applicants' recite various techniques for accessing event-specific information with a portable device while attending a live event. In contrast, Bonomi is directed generally towards providing an administrator with means for controlling a media delivery system (see Abstract). For at least the foregoing reasons, Applicants submit that claims 1 and 21 are not anticipated by Bonomi.

With regard to claim 42, "means-plus-function" language is utilized to recite elements and functionality similar to those recited in claims 1 and 21, as discussed above. Applicants therefore incorporate those remarks by reference with regard to claim 42. In addition, the Courts have frequently held that "means-plus-function" language, such as that of claim 42, should be construed in light of the Specification. More specifically, means-plus-function claim elements should be *construed to cover the corresponding structure, material or acts described in the specification*, and equivalents thereof. Applicants respectfully submit that, in light of the substantial differences between the teachings of

Bonomi and Applicants' invention as disclosed in the Specification, claim 42 is therefore not anticipated or made obvious by the teachings of Bonomi.

Regarding the Examiner's rejection of dependent claims 2, 10, 11, 14, 22, 30, 31, and 34, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 2, 10, 11, 14, 22, 30, 31, and 34, so that these claims may issue in a timely manner.

Furthermore, with regard to claims 10 and 30, Applicants submit that Bonomi nowhere discloses a system in which "one or more event broadcast channels including an event highlights channel, an instant replay channel, an event commentator channel, one or more alternate camera-angle channels, and a frequently-requested information channel," recited by Applicants in claims 10 and 30.

Because a rejection under 35 U.S.C. §102 requires that each claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Bonomi to identically teach or suggest the claimed invention, Applicants respectfully request reconsideration and allowance of claims 2, 10, 11, 14, 22, 30, 31, and 34, so that these claims may issue in a timely manner.

35 U.S.C. § 103

In paragraph 4 of the Office Action, the Examiner rejects claims 3 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Bonomi in view of U.S. Patent No. 6,009,096 to Jaisingh et al. (hereafter Jaisingh). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a) which requires that three basic criteria must be met, as set forth in M.P.E.P. §2142:

> "First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

The initial burden is therefore on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 3 and 23, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

For at least the foregoing reasons, the Applicants submit that claims 3 and 23 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 3 and 23 under 35 U.S.C. § 103.

In paragraph 5 of the Office Action, the Examiner rejects claims 4, 13, 15, 17, 18, 24, 33, 35, 37, and 38 under 35 U.S.C. § 103 as being unpatentable over Bonomi in view of U.S. Patent No. 5,682,511 to Sposato et al. (hereafter Sposato). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 4, 13, 15, 17, 18, 24, 33, 35, 37, and 38, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

Furthermore, with regard to claims 4 and 24, the Examiner utilizes Official Notice to support these rejections without providing references against certain claimed limitations. Applicants submit that the limitations of claims 4 and 24 would not have been obvious to one skilled in the art at the time of the invention. Applicants therefore respectfully request the Examiner to cite specific references in support of these rejections, and failing to do so, to reconsider and withdraw the rejections of claims 4 and 24.

For at least the foregoing reasons, the Applicants submit that claims 4, 13, 15, 17, 18, 24, 33, 35, 37, and 38 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 4, 13, 15, 17, 18, 24, 33, 35, 37, and 38 under 35 U.S.C. § 103.

In paragraph 6 of the Office Action, the Examiner rejects claims 6, 8, 9, 26, 28, and 29 under 35 U.S.C. § 103 as being unpatentable over Bonomi in view of U.S. Patent No. 5,496,980 to Tillman et al. (hereafter Tillman). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie*

case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 6, 8, 9, 26, 28, and 29, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

In addition, the Court of Appeals for the Federal Circuit has held that "obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination." In re Geiger, 815 F.2d 686, 688, 2 U.S.P.Q.2d 1276, 1278 (Fed. Cir. 1987). Applicants submit that the cited references do not suggest a combination that would result in Applicants' invention, and therefore the obviousness rejection under 35 U.S.C §103 is improper.

For at least the foregoing reasons, the Applicants submit that claims 6, 8, 9, 26, 28, and 29 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 6, 8, 9, 26, 28, and 29 under 35 U.S.C. § 103.

In paragraph 7 of the Office Action, the Examiner rejects claims 12 and 32 under 35 U.S.C. § 103 as being unpatentable over Bonomi in view of U.S. Patent

Publication No. US2004/0148634 to Arsenault et al. (hereafter Arsenault). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 12 and 32, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

Furthermore, with regard to claims 12 and 32, the Examiner utilizes Official Notice to support these rejections without providing references against certain claimed limitations. Applicants submit that the limitations of claims 12 and 32 would not have been obvious to one skilled in the art at the time of the invention. Applicants therefore respectfully request the Examiner to cite specific references in support of these rejections, and failing to do so, to reconsider and withdraw the rejections of claims 12 and 32.

For at least the foregoing reasons, the Applicants submit that claims 12 and 32 are not unpatentable under 35 U.S.C. § 103 over the cited references, and

that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 12 and 32 under 35 U.S.C. § 103.

In paragraphs 8, 9, and 10 of the Office Action, the Examiner rejects claims 5, 16, 19, 25, 36, and 39 under 35 U.S.C. § 103 as being unpatentable over Bonomi in view Sposato, and further in view of U.S. Patent No. 6,681,326 to Son et al. (hereafter Son). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 5, 16, 19, 25, 36, and 39, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

For at least the foregoing reasons, the Applicants submit that claims 5, 16, 19, 25, 36, and 39 are not unpatentable under 35 U.S.C. § 103 over the cited

references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 5, 16, 19, 25, 36, and 39 under 35 U.S.C. § 103.

In paragraph 11 of the Office Action, the Examiner rejects claims 20 and 40 under 35 U.S.C. § 103 as being unpatentable over Bonomi in view of Sposato, and further in view of U.S. Patent No. 6,647,411 to Towell et al. (hereafter Towell). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 20 and 40, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

For at least the foregoing reasons, the Applicants submit that claims 20 and 40 are not unpatentable under 35 U.S.C. § 103 over the cited references, and

that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 20 and 40 under 35 U.S.C. § 103.

In paragraph 12 of the Office Action, the Examiner rejects claims 7 and 27 under 35 U.S.C. § 103 as being unpatentable over Bonomi in view of Tillman, Sposato, and Son. The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 7 and 27, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

For at least the foregoing reasons, the Applicants submit that claims 7 and 27 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore

respectfully request reconsideration and withdrawal of the rejections of claims 7 and 27 under 35 U.S.C. § 103.

New Claims

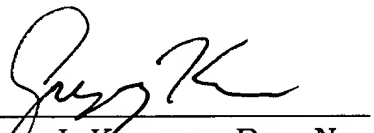
The Applicants submit additional claims 44 and 45 for consideration by the Examiner in the present Application. The new claims 44 and 45 recite specific detailed embodiments for implementation and utilization of Applicants' invention, as disclosed and discussed in the Specification. Applicants submit that newly-added claims 44 and 45 contain a number of limitations that are not taught or suggested in the cited references. For example, new claim 44 recites that "said user device is implemented as a portable cellular telephone device," and new claim 45 recites that "said system user utilizes said user device while attending a live sporting event." Applicants therefore respectfully request the Examiner to consider and allow new claims 44 and 45, so that these claims may issue in a timely manner.

Summary

Applicants submit that the foregoing amendments and remarks overcome the Examiner's rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a). Because the cited references, or the Examiner's citations thereto, do not teach or suggest the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicants therefore submit that the claimed invention is patentable over the cited art, and respectfully request the Examiner to allow claims 1-45, so that the present Application may issue in a timely manner. If there are any questions concerning this Response, the Examiner is invited to contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,

Date: 9/16/05

By: 

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